

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR  
&  
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WA.No. 1987 of 2006()

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{IN O.P.NO.35831/2002 OF THIS COURT}  
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APPELLANT:/RESPONDENTS 1 AND 4:  
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1. KERALA STATE ROAD TRANSPORT CORPORATION,  
TRANSPORT BHAVAN, FORT PO,  
THIRUVANANTHAPURAM 23, REPRESENTED BY ITS  
MANAGING DIRECTOR.
2. THE EXECUTIVE DIRECTOR(ADMN.),  
SECRETARY, K.S.R.T.C. TRANSPORT BHAVAN,  
FORT P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC  
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS/PETITIONER:  
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1. K.CHERIYA MOHAMMED,  
S/O.AHAMMEDKUTTY HAJI,  
ASSISTANT WORKS MANAGER, EDAPPAL RETRIED ON  
31.7.2002, MATHALIL HOUSE, KARVANOOR P.O.  
MALAPPURAM DISTRICT.
2. S.BALACHANDRAN, ASSISTANT WORKS MANAGER,  
(M) K.S.R.T.C. THIRUVANANTHAPURAM CITY FORT,  
THIRUVANANTHAPURAM.
3. N.SATHYASEELAN, ASSISTANT WORKS MANAGER,  
K.S.R.T.C. CENTRAL WORKS, PAPPANAMCODE,  
THIRUVANANTHAPURAM.

BY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**K.A.ABDUL GAFOOR &  
K.R.UDAYABHANU, JJ.**

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**W.A.No.1987 of 2006**  
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**Dated this the 11<sup>th</sup> day of December, 2006.**

## **JUDGMENT**

*Abdul Gafoor, J.*

It is an admitted case by the appellant before us that the Departmental Promotion Committee has met on 1.2.2001 and 6.2.2001. There is no case for the appellant that the writ petitioner was not a senior-most incumbent, nor that he was, in any way, unsuitable for the post in question. Necessarily, he was liable to be promoted in any of the vacancies that had occurred on 1.2.2001. No explanation in this regard is offered. In such circumstances, the direction given by the learned single Judge cannot be stated to be unjustified. Clause 11 of Annexure 1 which deals with the review of the select list does not have any relevance to be considered

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when, at the threshold itself, the eligible incumbent had never been considered.

Writ appeal fails, dismissed.

Sd/-  
**(K.A.ABDUL GAFOOR)**  
**JUDGE**

Sd/-  
**(K.R.UDAYABHANU)**  
**JUDGE**

sk/

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P.S.to Judge.

**K.A.ABDUL GAFOOR &  
K.R.UDAYABHANU, JJ.**

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**W.A.No.1987 of 2006**

**JUDGMENT**

**11<sup>th</sup> December, 2006.**

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